



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL

TELEPHONE

(850) 234-4646

IN REPLY REFER TO:

COUNSEL FOR THE
NAVAL SURFACE WARFARE CENTER - PANAMA CITY
110 VERNON AVENUE
PANAMA CITY, FLORIDA 32407-7001

5720
Ser 00L/006
March 21, 2017

Booz Allen Hamilton Inc.
Attn: Erica Cordes
8283 Greensboro Drive
McLean, VA 22102

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST NUMBER
DON-NAVY-2017-003590

We received a Freedom of Information Act (FOIA) request for documents relevant to Solicitation No. N00024-15-R-3169. In accordance with Executive Order 12600, I am advising you of the request and forwarding responsive records which your company may consider exempt from release under FOIA exemption 4 (5 U.S.C. § 552(b)(4)). This information is included as enclosure (1).

Exemption 4 protects "trade secrets and commercial or financial information obtained from a person (including a business) [that is] privileged or confidential." We are offering you the opportunity to explain whether, and, if so, how you are likely to suffer substantial competitive harm if any or all of the information in question is released.

If you object to releasing any part of these records, please reply within 10 calendar days of the date of this letter. This is the only opportunity we intend to provide for you to support any objections you may have to release. Merely reciting the law without tying it to the facts of your case will be rejected as non-responsive. You must address each item that you believe should be withheld, specifically explaining how the information you want withheld meets the criteria for withholding under FOIA. For example, if you object to releasing contract pricing information because someone in your industry could manipulate the released information to "back into" your proprietary pricing information, please demonstrate mathematically how one could derive such information and explain the substantial competitive harm that is likely to result from releasing the information in question.

Please return the responsive documents, highlighting (not "blacking out" or obscuring) any information you want withheld.

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This enables us to identify exactly what information you believe would likely cause your company substantial competitive harm, if released.

To prepare your response, you may find it helpful to consult the Justice Department's Guide to the FOIA at <http://www.usdoj.gov/oip/foia.htm>. You may also wish to obtain the advice of Counsel to ensure you provide the level of detail required to support any exemption 4 claim. Additionally, we have enclosed some information that may assist you in evaluating the likelihood of substantial competitive harm if certain information is released (enclosure (2)). This letter, along with enclosure (2), is only general in nature and does not reflect each potential item which, if released, would likely result in the submitter's substantial competitive harm. Neither does it reflect all potential arguments regarding how one would likely suffer competitive harm if information were released. Each submitter must assert its own reasons for withholding information, based on the law as applied to the facts and circumstances. Some factors that you may wish to describe to help us understand your position are: (1) the general custom or usage in your business; (2) the number and situation of the persons who have access to the information; (3) the type and degree of risk of financial injury that release would cause you; and (4) the length of time the information will need to be kept confidential and why.

Upon receipt, we will review any objections you might have and reach an independent determination on releasability. If we are not persuaded by your reasoning, we will provide you with a 10-day notice of intent to release and our rationale supporting release and advise you of your right to judicial review. **Because you only have one opportunity to support your position, any judicial review will be limited to the record before us at the time we issue the 10-day notice of intent to release.** Therefore, it is very important that you explain your position to us in detail.

Please send any comments to, Office of Counsel, Naval Surface Warfare Center, Panama City Division, Ms. Brenda Squires (Code 00L), 110 Vernon Avenue, Panama City, FL 32407-7001. Please reference FOIA Request Number DOD-NAVY-2017-003590. If you have any questions regarding this matter, you may contact Ms. Squires at brenda.squires@navy.mil or 850-234-4940.

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If we do not receive a written response from you within 10 calendar days of the date of this letter, we will assume you have no objection to full release of the enclosed records. At that point, the release determination will be based solely on the Agency's review.

Sincerely,

A handwritten signature in dark ink, appearing to read 'JTS', with a stylized flourish at the end.

JAMES T. SHEPHERD
Counsel

Enclosures: 1. Exemption 4 Guide
2. Responsive Records for Release